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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,717	07/24/2000	Bo Jin	CY-0013	6438

7590 06/03/2003  
Bradley T Sako  
3954 Loch Lomand Way  
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EXAMINER

THOMAS, TONIAE M

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 06/03/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Appli ation No.

09/621,717

Applicant(s)

JIN ET AL.

Examiner

Toniae M. Thomas

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 14-16, 19, 20 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 11-13, 17, 18, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the amendment filed on 25 March 2003. The amendment cancelled nonelected claims 1-9. Currently, claims 10-26 are pending.
2. Upon further consideration, the indicated allowability of claims 10-26 is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. *Claims 10, 14-16, and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art.*

As discussed in the Office action mailed on 28 August 2002, the admitted prior art discloses a method of forming a monitoring structure (fig. 8 and page 5, lines 9-22). The method comprises etching a first layer 802 to form monitor trenches that extend through the first layer to an etch stop layer 804 on a monitor wafer 800, and forming a feature in relation to the monitor trenches. The process to be monitored forms a corresponding non-monitor trench in a different layer or material than the first layer (page 1, lines 15-20).

The step of forming a feature includes forming an SOI transistor.

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4. *Claims 20 and 23-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art.*

As discussed in the action mailed on 28 August 2002, the admitted prior art discloses a method of monitoring a semiconductor manufacturing process (figs. 5A-5D, 7A-7D and page 2, line 10 – page, 4, line 22). The method comprises processing a monitor wafer having monitor trenches 506 formed in the first layer 502 of the monitoring wafer 500 according to at least one process step that forms a feature (5B). The feature is formed in a non-monitoring wafer in a different layer than the first layer in the process.

The at least one process step includes depositing and planarizing a trench insulating material 510 (figs. 5C and 5D). The at least one process step includes an STI deposition step and an STI insulator chemical mechanical polishing step.

#### ***Allowable Subject Matter***

5. Claims 11-13, 17, 18, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments filed 02 December 2002 have been fully considered but they are not persuasive.

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The Applicant argues that the admitted prior art does not show forming a monitor trench that monitors a process that forms a non-monitor trench in a different layer or material than the first material of the monitor trench.

Upon further consideration, the admitted prior art does show forming a monitor trench that monitors a process, the process forming a non-monitor trench in a different layer than the first material of the monitor trench. The monitor wafer is one of several wafers being processed simultaneously. The trench formed in the monitor wafer, i.e. the sacrificial wafer, is used to monitor the processing of the other wafers. Broadly interpreted, the first layer on the monitor wafer and the first layer on the other wafers are separate and distinct layers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toniae M. Thomas whose telephone number is (703) 305-7646. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (703) 308-4905. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JMJ

June 2, 2003

  
AMIR ZARABIAN  
SUPERVISOR  
TECHNOLOGICAL CENTER